

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

JUDICIAL WATCH, INC.,
425 Third Street, S.W., Suite 800
Washington, DC 20024,

Plaintiff,

v.

U.S. DEPARTMENT OF STATE,
The Executive Office
Office of the Legal Adviser, Suite 5.600
600 19th Street, N.W.
Washington, DC 20522,

Defendant.

COMPLAINT

Plaintiff Judicial Watch, Inc. brings this action against the U.S. Department of State (“Defendant”) to compel compliance with the Freedom of Information Act, 5 U.S.C. § 552. As grounds therefor, Plaintiff alleges as follows:

JURISDICTION AND VENUE

1. The Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.
2. Venue is proper in this district pursuant to 28 U.S.C. § 1391(e).

PARTIES

3. Plaintiff Judicial Watch, Inc. is a not-for-profit, educational organization incorporated under the laws of the District of Columbia and headquartered at 425 Third Street S.W., Suite 800, Washington, DC 20024. Plaintiff seeks to promote transparency, accountability, and integrity in government and fidelity to the rule of law. As part of its mission, Plaintiff regularly requests records from federal agencies pursuant to FOIA. Plaintiff analyzes

the responses and disseminates its findings and the requested records to the American public to inform them about “what their government is up to.”

4. Defendant U.S. Department of State is an agency of the United States Government headquartered at 2201 C Street, N.W., Washington, DC 20520. Defendant has possession, custody, and control of records to which Plaintiff seeks access.

STATEMENT OF FACTS

5. On November 1, 2018, Plaintiff electronically submitted a FOIA request to Defendant through its website seeking access to:

Any and all records of communication between Ambassador Victoria Nuland and any of the following individuals between January 1, 2016 and January 25, 2017:

**Professor Joseph Mifsud
Mr. Christopher Steele
Mr. Glenn Simpson
Mrs. Nellie Ohr
Former CIA Director John Brennan
Former Undersecretary of State Patrick Kennedy
Former Attorney General Loretta Lynch
Deputy Attorney General Rod Rosenstein
Former Acting Attorney General Sally Yates
Former Assistant Attorney General John P. Carlin
Former Deputy Assistant Attorney General George Toscas
Former DOJ Official David Laufman
Former Homeland Security Advisor Lisa Monaco
Former Associate Deputy Attorney General Bruce Ohr
Former FBI Director James Comey
Former FBI Deputy Director Andrew McCabe
Former FBI Agent Peter Strzok
FBI Attorney Lisa Page
FBI Attorney James Baker
Former FBI Chief of Staff James Rybicki
FBI Assistant Director Edward William Priestap
Former FBI Agent John Giacalone
Former FBI Agent Michael Steinbach
Former FBI Agent Josh Campbell**

6. By letter dated November 27, 2018, Defendant acknowledged receipt of Plaintiff's request on November 1, 2018 and assigned the request FOIA Control Number F-2019-00960.

7. As of the date of this Complaint, Defendant has failed to: (i) produce the requested records or demonstrate that the requested records are lawfully exempt from production; (ii) notify Plaintiff of the scope of any responsive records Defendant intends to produce or withhold and the reasons for any withholdings; or (iii) inform Plaintiff that it may appeal any adequately specific, adverse determination.

COUNT I

(Violation of FOIA, 5 U.S.C. § 552)

8. Plaintiff realleges paragraphs 1 through 7 as if fully stated herein.

9. Plaintiff is being irreparably harmed by Defendant's violation of FOIA, and Plaintiff will continue to be irreparably harmed unless Defendant is compelled to comply with it.

10. To trigger FOIA's administrative exhaustion requirement, Defendant was required to make a final determination on Plaintiff's FOIA request within the time limits set by FOIA. Accordingly, Defendant's determination was due, at the latest, by December 3, 2018.

11. Because Defendant failed to make a final determination on Plaintiff's FOIA request within the time limits set by FOIA, Plaintiff is deemed to have exhausted its administrative appeal remedies.

WHEREFORE, Plaintiff respectfully requests that the Court: (1) order Defendant to conduct searches for any and all records responsive to Plaintiff's FOIA request and demonstrate that it employed search methods reasonably likely to lead to the discovery of records responsive to Plaintiff's FOIA request; (2) order Defendant to produce, by a date certain, any and all non-exempt records responsive to Plaintiff's FOIA request and *Vaughn* indices of any responsive

records withheld under claim of exemption; (3) enjoin Defendant from continuing to withhold any and all non-exempt records responsive to Plaintiff's FOIA request; (4) grant Plaintiff an award of attorneys' fees and other litigation costs reasonably incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E); and (5) grant Plaintiff such other relief as the Court deems just and proper.

Dated: March 1, 2019

Respectfully submitted,

/s/ James F. Peterson

James F. Peterson

D.C. Bar No. 450171

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